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Of Attorneys for McKenzie-Willamette Medical Center

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

Robert Evans Mahler,

Case No. 6:20-cv-02016-MK

Plaintiff,

v.

McKenzie-Willamette Medical Center;
Oregon Medical Group; DOES 1-20,

Defendants.

**DEFENDANT MCKENZIE-
WILLAMETTE MEDICAL CENTER'S
ANSWER TO COMPLAINT AND
DEMAND FOR JURY TRIAL**

By McKenzie-Willamette Medical Center

Defendant McKenzie-Willamette Regional Medical Center Associates, LLC doing business as McKenzie-Willamette Medical Center ("MWMC" or "Defendant") answers plaintiff's Complaint as follows:

1.

MWMC admits that it is a Delaware limited liability company doing business as a hospital in Springfield, Oregon.

2.

Except as expressly admitted, MWMC lacks sufficient information to admit or deny the

**DEFENDANT MCKENZIE-WILLAMETTE MEDICAL
CENTER'S ANSWER TO COMPLAINT AND DEMAND
FOR JURY TRIAL - Page 1**

Doc No. 1665333

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remaining allegations of plaintiff's Complaint and denies each and every allegation of plaintiff's Complaint on that basis. MWMC specifically denies that it was negligent, failed to comply with the Americans with Disabilities Act ("ADA"), discriminated against plaintiff, or intentionally caused plaintiff any emotional distress.

JURY DEMAND

3.

MWMC hereby invokes its right to a trial by jury.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

4.

Plaintiff's claims each fail to state a claim upon which relief may be granted against MWMC.

SECOND AFFIRMATIVE DEFENSE

(Subject Matter Jurisdiction)

5.

Because plaintiff fails to state the facts constituting a federal question and there is no diversity jurisdiction, there is not subject matter jurisdiction for this claim.

THIRD AFFIRMATIVE DEFENSE

(Failure to Include Necessary Parties)

6.

Plaintiff's does not include all parties necessary to adjudicate his claims.

FOURTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

7.

Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

(Fault of Third Parties)

8.

Plaintiff's damages, if any, were caused in whole or in part by the conduct of third parties over which this defendant has no control.

ADDITIONAL AFFIRMATIVE DEFENSES

9.

Defendant reserves the right to plead additional affirmative defenses following further investigation and discovery, as well as the right to assert additional claims or actions against named or additional parties as warranted by further discovery and investigation.

ATTORNEY FEES

10.

Defendant may be entitled to recover its attorney fees and costs in defense of plaintiff's claims under 42 U.S.C. § 12205 or as otherwise allowed by law.

WHEREFORE, having fully answered plaintiff's Complaint, defendant prays for judgment in its favor.

DATED this 12th day of January, 2021.

KEATING JONES HUGHES, P.C.

s/ Scott G. O'Donnell

Scott G. O'Donnell, OSB No. 933849
503-222-9955

Attorneys for McKenzie-Willamette Medical Center

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANT MCKENZIE-
WILLAMETTE MEDICAL CENTER'S ANSWER TO COMPLAINT AND DEMAND
FOR JURY TRIAL** on the following:

Robert Evans Mahler
PO Box 7658
Salem, OR 97303
Phone: (503) 589-4878
Plaintiff Pro Se

by mailing a copy to the above party on the date below.

DATED this 12th day of January, 2021.

KEATING JONES HUGHES, P.C.

s/ Scott G. O'Donnell

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Trial Attorney: Scott G. O'Donnell, OSB No. 933849